

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Henriette GOURDEAU et al. : Group: NOT YET ASSIGNED
Serial No.: NOT YET ASSIGNED : Examiner: NOT YET ASSIGNED
Filed: September 25, 2001 :
For: **METHODS OF TREATING LEUKEMIA**

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

In the specification:

At page 1, after the title, please insert:

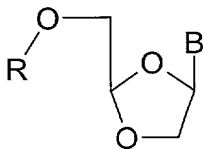
This application claims the benefit of U.S. Provisional Application U.S. 60/126,734, filed March 29, 2000, and U.S. Provisional Application U.S. 60/126,813, filed March 29, 2000, both of which are hereby incorporated by reference in their entirety.

In the claims:

Please cancel claims 1-10.

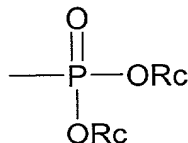
Please amend claim 11 as follows:

11. A method for treating leukemia in a host comprising administering to the host having leukemia a therapeutically effective amount of at least one compound of general formula I



(I)

wherein B is cytosine or 5-fluorocytosine and R is selected from the group comprising H, monophosphate, diphosphate, triphosphate, carbonyl substituted with a C₁₋₆ alkyl, C₂₋₆ alkenyl, C₂₋₆ alkynyl, C₆₋₁₀ aryl, and

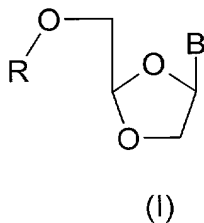


wherein each Rc is independently selected from the group comprising H, C₁₋₆ alkyl, C₂₋₆ alkenyl, C₂₋₆ alkynyl and hydroxy protecting groups, and wherein said compound is substantially in the form of the (-) enantiomer; and

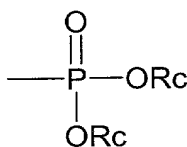
administering doxorubicin to a patient.

Please add the following new claims as follows:

22. A method for treating leukemia in a host comprising administering to the host having leukemia a therapeutically effective amount of at least one compound of general formula I



wherein B is cytosine or 5-fluorocytosine and R is selected from the group comprising H, monophosphate, diphosphate, triphosphate, carbonyl substituted with a C₁₋₆ alkyl, C₂₋₆ alkenyl, C₂₋₆ alkynyl, C₆₋₁₀ aryl, and



wherein each Rc is independently selected from H, C₁₋₆ alkyl, C₂₋₆ alkenyl, C₂₋₆ alkynyl and hydroxy protecting groups, and wherein said compound is substantially in the form of the (-) enantiomer; and

also administering to said patient a chemotherapeutic agent selected from Asparaginase, Bleomycin, Busulfan, Carmustine, Chlorambucil, Cladribine, Cyclophosphamide, Cytarabine, Dacarbazine, Daunorubicin, Doxorubicin, Etoposide, Fludarabine, Gemcitabine, Hydroxyurea, Idarubicin, Ifosfamide, Lomustine, Mechlorethamine, Melphalan, Mercaptopurine, Methotrexate, Mitomycin, Mitoxantrone, Pentostatin, Procarbazine, 6-Thioguanine, Topotecan, Vinblastine, Vincristine, Dexamethasone, Retinoic acid and Prednisone.

23. A method according to claim 22, wherein said at least one chemotherapeutic agent is Cytarabine.
24. A method according to claim 22, wherein said at least one chemotherapeutic agent is Idarubicin.
25. A method according to claim 22, wherein said at least one chemotherapeutic agent is Gemcitabine.
26. The method according to claim 22, wherein the leukemia is chronic myelogenous leukemia.
27. The method according to claim 22, wherein the leukemia is acute myelogenous leukemia.
28. The method according to claim 22, further comprising the step of administering a multidrug resistance reversing agent or a biological response modifier.
29. The method according to claim 28, wherein the multidrug resistance agent is PSC 833.
30. The method according to claim 28, wherein the biological response modifiers are selected from the group consisting of monoclonal antibodies and cytokines.

31. The method according to claim 28, wherein the cytokines are selected from the group consisting of interferons, interleukins and colony-stimulating factors.
32. The method according to claim 28, wherein the biological response modifiers are selected from the group consisting of Rituxan, CMA-676, Interferon-alpha recombinant, Interleukin-2, Interleukin-3, Erythropoietin, Epoetin, G-CSF, GM-CSF, Filgrastim, Sargramostim and Thrombopoietin.
33. A method according to claim 22, wherein the compound of formula I and the at least one chemotherapeutic agent are administered sequentially.
34. A method according to claim 22, wherein the compound of formula I and the at least one chemotherapeutic agent are administered simultaneously.

REMARKS

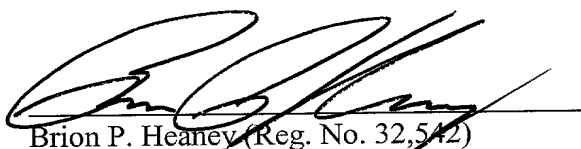
This application is a divisional of application Serial No. 09/536,459. The parent application, claims 11-22 were withdrawn from further consideration pursuant to a Restriction Requirement. These claims are now being pursued in the instant application.

In the above amendment, claim 11 is amended to correct an obvious typographical error and page 1 of the specification is amended to claim benefit of the provisional applications in a manner suggested in MPEP §201.11.

In addition, new claims 22-34 are directed to further aspects of applicants' claimed invention. New independent claim 22 is generic to independent claim 11. Support for these new claims is provided throughout applicants' specification. See, for example, page 15, line 29 through page 17, line 14.

Favorable consideration of the instant application is respectfully requested.

Respectfully submitted,



Brion P. Heaney (Reg. No. 32,542)

Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P. C.

2200 Clarendon Boulevard, Suite 1400

Arlington, Virginia 22201

(703) 812-5308

Internet address: heaney@mwzb.com

Filed: January 16, 2002

Printed Name

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

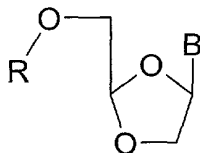
This application claims the benefit of U.S. Provisional Application U.S. 60/126,734, filed March 29, 2000, and U.S. Provisional Application U.S. 60/126,813, filed March 29, 2000, both of which are hereby incorporated by reference in their entirety.

In the claims:

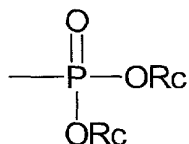
Please cancel claims 1-10.

Please amend claim 11 as follows:

11. A method for treating leukemia in a host comprising administering to the host having leukemia a therapeutically effective amount of at least one compound of general formula I



wherein B is cytosine or 5-fluorocytosine and R is selected from the group comprising H, monophosphate, diphosphate, triphosphate, carbonyl substituted with a C₁₋₆ alkyl, C₂₋₆ alkenyl, C₂₋₆ alkynyl, C₆₋₁₀ aryl, and

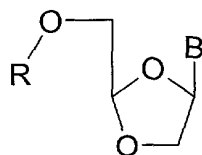


wherein each Rc is independently selected from the group comprising H, C₁₋₆ alkyl, C₂₋₆ alkenyl, C₂₋₆ alkynyl and hydroxy protecting groups, and wherein said compound is substantially in the form of the (-) enantiomer; and

administering doxorubicin ~~doxarubicin~~ to a patient.

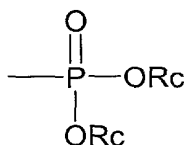
Please add the following new claims as follows:

-- 22. A method for treating leukemia in a host comprising administering to the host having leukemia a therapeutically effective amount of at least one compound of general formula I



(I)

wherein B is cytosine or 5-fluorocytosine and R is selected from the group comprising H, monophosphate, diphosphate, triphosphate, carbonyl substituted with a C₁₋₆ alkyl, C₂₋₆ alkenyl, C₂₋₆ alkynyl, C₆₋₁₀ aryl, and



wherein each Rc is independently selected from H, C₁₋₆ alkyl, C₂₋₆ alkenyl, C₂₋₆ alkynyl and hydroxy protecting groups, and wherein said compound is substantially in the form of the (-) enantiomer; and

also administering to said patient a chemotherapeutic agent selected from Asparaginase, Bleomycin, Busulfan, Carmustine, Chlorambucil, Cladribine, Cyclophosphamide, Cytarabine, Dacarbazine, Daunorubicin, Doxorubicin, Etoposide, Fludarabine, Gemcitabine, Hydroxyurea, Idarubicin, Ifosfamide, Lomustine, Mechlorethamine, Melphalan, Mercaptopurine, Methotrexate, Mitomycin, Mitoxantrone, Pentostatin, Procarbazine, 6-Thioguanine, Topotecan, Vinblastine, Vincristine, Dexamethasone, Retinoic acid and Prednisone.

23. A method according to claim 22, wherein said at least one chemotherapeutic agent is Cytarabine.

24. A method according to claim 22, wherein said at least one chemotherapeutic agent is Idarubicin.

25. A method according to claim 22, wherein said at least one chemotherapeutic agent is Gemcitabine.

26. The method according to claim 22, wherein the leukemia is chronic myelogenous leukemia.

27. The method according to claim 22, wherein the leukemia is acute myelogenous leukemia.

28. The method according to claim 22, further comprising the step of administering a multidrug resistance reversing agent or a biological response modifier.

29. The method according to claim 28, wherein the multidrug resistance agent is PSC 833.

30. The method according to claim 28, wherein the biological response modifiers are selected from the group consisting of monoclonal antibodies and cytokines.

31. The method according to claim 28, wherein the cytokines are selected from the group consisting of interferons, interleukins and colony-stimulating factors.

32. The method according to claim 28, wherein the biological response modifiers are selected from the group consisting of Rituxan, CMA-676, Interferon-alpha recombinant, Interleukin-2, Interleukin-3, Erythropoietin, Epoetin, G-CSF, GM-CSF, Filgrastim, Sargramostim and Thrombopoietin.

33. A method according to claim 22, wherein the compound of formula I and the at least one chemotherapeutic agent are administered sequentially.

34. A method according to claim 22, wherein the compound of formula I and the at least one chemotherapeutic agent are administered simultaneously. --